

**IN THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF MISSOURI**

**In re: EDWARD M GUTTING
ANGELA M HORNSBY-GUTTING**

Case No.: 13-61761-abf-13

Debtors

MOTION TO DENY CONFIRMATION OF PLAN

Comes now Richard V. Fink, Chapter 13 Trustee, and requests the court deny confirmation of the debtor's proposed plan (document #2), filed on or about November 21, 2013, and in support thereof states that issues related to the proposed plan include:

1. Section 1325(a)(4)/potential Section 544, 545, 547 or 548 avoidance issue:

Per the Statement of Financial Affairs, the debtors sold real property in Mississippi in November, 2012. The trustee requests that the debtors clarify how much they received from the sale and how the proceeds were spent.

2. Treatment of Mortgage Creditors:

A judgment lien with EZ Money is listed on Schedule D, but the plan is silent.

3. Adversarial Action to be Filed and Completed Prior to Confirmation:

Paragraph 13 of the plan indicates the judgment lien of Capital One will be avoided. The adversarial action must be filed and completed prior to confirmation.

Wherefore, the Chapter 13 Trustee moves the Court for an Order Denying Confirmation of the proposed plan.

January 06, 2014

Respectfully submitted,

/s/ Richard V. Fink, Trustee
Richard V. Fink, Trustee
818 Grand Blvd., Suite 800
Kansas City, MO 64106-1901

NOTICE OF MOTION

Any response to the motion must be filed within twenty-one (21) days of the date of this notice (subject to an extension pursuant to Federal Rule of Bankruptcy Procedure 9006) with the Clerk of the United States Bankruptcy Court. Documents can be filed electronically at <http://ecf.mowb.uscourts.gov>. A copy of such response shall be served electronically by the Court on the Chapter 13 Trustee and all other parties to the case who have registered for electronic filing. Parties not represented by an attorney may mail a response to the Court at the address below. If a response is timely filed, the Court will either rule the matter based on the pleadings, or set the matter for a hearing. If a hearing is to be held, notice of such hearing will be sent to all parties in interest. **If no response is filed within twenty-one (21) days (subject to an extension pursuant to Federal Rule of Bankruptcy Procedure 9006), the Court will enter an Order confirming the amended plan.** For information about electronic filing, go to <http://www.mow.uscourts.gov>. If you have any questions about this document, contact your attorney.

Court Address: U.S. Bankruptcy Court, 400 E. 9th St., Room 1510, Kansas City, MO 64106

NOTICE OF SERVICE

The following parties will be served either electronically or by United States First Class Mail and a certificate of service will be filed thereafter:

DEBTOR(S)

LICATA BANKRUPTCY FIRM PC (427669) - ATTORNEY FOR DEBTOR(S)

/s/ Richard V. Fink, Trustee

SMM /Motion - Deny Confirmation